

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Street: 112 Henry Street NE, Suite 300, Olympia, WA 98506

Mail: PO Box 40919, Olympia, WA 98504-0919

Phone: (360) 570-7300 Fax: (360) 570-7334 E-mail: filing@perc.wa.gov

REQUEST TO PROCEED WITH QUESTION CONCERNING REPRESENTATION

Instructions: Other side of this form (page 2)

Applicable Rule: WAC 391-25-370.

1. UNFAIR LABOR PRACTICE PROCEEDINGS

A complaint charging unfair labor practices is currently pending before the Commission under Chapter 391-45 WAC, as follows:

CASE NUMBER - U -

EMPLOYER

COMPLAINANT

RESPONDENT

2. REPRESENTATION PROCEEDINGS

A representation petition is currently pending before the Commission under Chapter 391-25 WAC, as follows:

CASE NUMBER - E -

EMPLOYER

PETITIONER

INTERVENOR

INTERVENOR

3. BLOCKING CHARGE

The processing of the representation case has been suspended (or is subject to suspension) under the following rule:

WAC 391-25-370 BLOCKING CHARGES – SUSPENSION OF PROCEEDINGS – REQUEST TO PROCEED. (1) The executive director may suspend the processing of a representation petition under this chapter pending the outcome of related unfair labor practice proceedings, where:

(a) A complaint charging unfair labor practices is filed under the provisions of chapter 391-45 WAC; and

(b) It appears that the facts as alleged may constitute an unfair labor practice; and

(c) Such unfair labor practice could improperly affect the outcome of a representation election.

(2) The complainant(s) in the unfair labor practice case may file and serve, as required by WAC 391-08-120, a written request to proceed with the executive director. The request to proceed shall specify the case number of the representation proceeding, shall request that the representation petition be processed notwithstanding the pending unfair labor practice case, and shall waive the right to file objections under WAC 391-25-590 (1)(a) based on conduct alleged in the unfair labor practice case. Upon the filing of a request to proceed under this subsection, the executive director shall resume the processing of the representation petition and shall summarily dismiss any objections filed in conflict with the request to proceed.

....

4. WAIVER OF RIGHT TO FILE ELECTION OBJECTIONS

As a party to the representation case, the complainant in the unfair labor practice case hereby requests the Commission to proceed with the processing of the representation case and waives its right to file (and acknowledges that the Commission will not process) any objections in the representation case under WAC 391-25-590 based upon the conduct alleged in the unfair labor practice case identified above.

5. AUTHORIZED SIGNATURE FOR UNFAIR LABOR PRACTICE COMPLAINANT

PRINT NAME _____ TITLE _____

SIGNATURE _____ DATE _____

INSTRUCTIONS FOR REQUEST TO PROCEED FORM***{Do not file this sheet with PERC}***

- A. RULES** The Public Employment Relations Commission (PERC) processes representation cases under Chapters 391-25, 391-08 and 10-08 WAC; and processes unfair labor practice cases under Chapters 391-45, 391-08 and 10-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.
- B. OBJECTIONS IN REPRESENTATION PROCEEDINGS** Proceedings under Chapter 391-25 WAC focus on the creation or termination of bargaining relationships. PERC maintains "laboratory conditions" for employees to implement their statutory right to select or decertify an exclusive bargaining representative. The objections procedures of WAC 391-25-590 are limited to the types of conduct prohibited by WAC 391-25-470 and WAC 391-25-490, and the remedies for objections are limited to vacating the election result.
- C. UNFAIR LABOR PRACTICE PROCEEDINGS** Claims of interference, domination, discrimination or refusal to bargain must be resolved through unfair labor practice proceedings under Chapter 391-45 WAC. Any unfair labor practice committed while a representation petition involving the same employees is pending before PERC could constitute a basis for objections under WAC 391-25-590.
- D. "BLOCKING CHARGE" POLICY** PERC routinely suspends the processing of representation cases until any related unfair labor practice allegations involving the same employees have been ruled upon and any violations have been remedied. The employees will then be free to exercise their statutory rights under the "laboratory conditions" maintained in representation cases.
- E. REQUEST TO PROCEED EXCEPTION** In some situations, the complainant in an unfair labor practice case will be willing to take its chances on the outcome of a representation election or cross-check, regardless of its unfair labor practice claims. A party making a "Request to Proceed" must waive the right to file objections under WAC 391-25-590. Such waivers must be the voluntary act of the complainant.
- F. FILING WITH PERC** See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:
- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
 - File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
 - File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.
- G. COPIES TO OTHER PARTIES** See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.
- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
 - Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
 - Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
 - Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
 - Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.
- H. NORMAL CASE PROCESSING** The steps that usually occur in representation cases are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.